

# 2372CV00247 Trustees of the Homeport Unit Owners Trust vs. Rassilan, Tiago et al



- Case Type:
- Real Property
- Case Status:
- Open
- File Date
- 06/29/2023
- DCM Track:
- X - Accelerated
- Initiating Action:
- Condominium Lien & Charges
- Status Date:
- 06/29/2023
- Case Judge:
- 
- Next Event:
- 

**Exhibit**

A

[All Information](#)
[Party](#)
[Tickler](#)
[Docket](#)
[Disposition](#)

## Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/29/2023	Original civil complaint filed.	1	
06/29/2023	Civil action cover sheet filed.	2	
06/30/2023	Docket Note: 3 Blank Summons and an Attested Copy (Clerk signed 4 pages) of Complaint mailed to WFT, Esq. in SASE.		
07/17/2023	Service Returned for Defendant Rassilan, Tiago: Service made at last and usual; at 72 Pond Circle, Mashpee, MA, on July 7, 2023.	3	
08/14/2023	Service Returned for Defendant Commonwealth of Massachusetts Department of Revenue: Service through person in charge / agent; on 07/12/2023 to Tim Leblanc, agent for the Commonwealth of Massachusetts, at 100 Cambridge Street, c/o Department of Revenue Boston, MA 02114.	4	
08/15/2023	Trustees of the Homeport Unit Owners Trust's request for Default 55(a) (Return of Service not received on United States of America at this time).  Applies To: Rassilan, Tiago (Defendant); Commonwealth of Massachusetts Department of Revenue (Defendant)	5	
08/15/2023	Endorsement on Request for Default 55(a) as to Tiago Rassilan and Commonwealth of Massachusetts (#5.0): ALLOWED as to defendant Rassilan only. Clerk's Notice emailed on 08/17/2023 to William Thompson, Esq., wthompson@meeb.com; Tiago Rassilan, 72 Pond Circle, Mashpee, MA 02649; Commonwealth of Massachusetts, Department of Revenue, 100 Cambridge Street, Boston, MA 02114; United States of America, c/o Advisory Group Manager, 380 Westminster Street, 4th Floor, Providence, RI 02903		
08/15/2023	DEFAULT ORDER Mass R. Civ. P. 55 (a), as to Tiago Rassilan Plaintiff shall file a motion for assessment of damages and default judgment pursuant to Mass R. Civ. P. 55(b)(1) or 55(b)(2) on or before 09/16/2023 or the case may be dismissed without prejudice. Attested copies mailed on 08/18/2023 to William Thompson, Esq., 45 Braintree Hill Office Park, Suite 107, Braintree, MA 02184-8733, and Tiago Rassilan, 72 Pond Circle, Mashpee, MA 02649	6	



CIVIL ACTION COVER SHEET		DOCKET NUMBER	Trial Court of Massachusetts The Superior Court	
PLAINTIFF(S): Trustees of the Homeport Unit Owners Trust		COUNTY: Barnstable		<b>SUPERIOR COURT BARNSTABLE, SS</b>  <b>JUN 29 2023</b>  <b>FILED</b> <i>Scott W. Nickerson, Clerk</i>
ADDRESS:		DEFENDANT(S): Tiago Rassilan		
		Commonwealth of Massachusetts - Department of Revenue		
ATTORNEY: William F. Thompson		United States of America		
ADDRESS: Marcus, Errico, Emmer & Brooks, P.C.		ADDRESS: 72 Pond Circle, Mashpee, MA 02649		
45 Braintree Hill Office Park, Suite 107, Braintree MA 02184		100 Cambridge Street, Boston, MA 02114		
		c/o Advisory Group Manager, 380 Westminster Street, 4th Floor, Providence, RI 02903		
BBO: 664790				
CODE NO.	TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)	TYPE OF ACTION (specify)	TRACK	HAS A JURY CLAIM BEEN MADE?
C05		Condominium Lien and Charges	X	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
*If "Other" please describe:				
Is there a claim under G.L. c. 93A?		Is this a class action under Mass. R. Civ. P. 23?		
<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		
<b>STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A</b>				
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff's counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.				
<b>TORT CLAIMS</b> (attach additional sheets as necessary)				
A. Documented medical expenses to date:				
1. Total hospital expenses .....				\$ .....
2. Total doctor expenses .....				\$ .....
3. Total chiropractic expenses .....				\$ .....
4. Total physical therapy expenses .....				\$ .....
5. Total other expenses (describe below) .....				\$ .....
<b>Subtotal (A):</b>				\$ .....
B. Documented lost wages and compensation to date .....				\$ .....
C. Documented property damages to date .....				\$ .....
D. Reasonably anticipated future medical and hospital expenses .....				\$ .....
E. Reasonably anticipated lost wages .....				\$ .....
F. Other documented items of damages (describe below) .....				\$ .....
G. Briefly describe plaintiff's injury, including the nature and extent of injury:				
<b>TOTAL (A-F):</b>				\$ .....
<b>CONTRACT CLAIMS</b> (attach additional sheets as necessary)				
<input type="checkbox"/> This action includes a claim involving collection of a debt incurred pursuant to a revolving credit agreement. Mass. R. Civ. P. 8.1(a).				
Provide a detailed description of claim(s):				
<b>TOTAL:</b>				\$ 5,818.43
An action to enforce statutory lien for unpaid common expense pursuant to M.G. L. c. 183A, s. 6 and c. 254, ss. 5 and 5A.				
<b>Signature of Attorney/ Unrepresented Plaintiff: X</b>				<b>Date: Jun 27, 2023</b>
<b>RELATED ACTIONS:</b> Please provide the case number, case name, and county of any related actions pending in the Superior Court.				
<b>CERTIFICATION PURSUANT TO SJC RULE 1:18</b>				
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.				
<b>Signature of Attorney of Record: X</b>				<b>Date:</b>

SUPERIOR COURT  
BARNSTABLE, SS

JUN 29 2023

FILED

Scott W. Nickerson, Clerk

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

SUPERIOR COURT DEPARTMENT

CIVIL ACTION NO. 23 CV 247

TRUSTEES OF THE HOMEPORT UNIT  
OWNERS TRUST,

Plaintiffs

vs.

TIAGO RASSILAN,

Defendant

and

COMMONWEALTH OF MASSACHUSETTS  
and UNITED STATES OF AMERICA,

Defendants/Parties-In-Interest

**COMPLAINT**

PRELIMINARY STATEMENT

1. This is an in rem action brought by the organization of unit owners of a condominium (a) pursuant to M.G.L. c. 183A, ss. 6(a) and 6(c) and c. 254, ss. 5 and 5A, to establish and enforce a lien for unpaid common expenses. This action further seeks a determination of the priority of the unit owner organization's lien under M.G.L. c. 183A, s. 6(c).

PARTIES

2. The Plaintiffs, the Trustees of the Homeport Unit Owners Trust (hereinafter referred to as the "Organization of Unit Owners"), are the duly elected/appointed members of the governing body of the Homeport Unit Owners Trust under a Declaration of Trust dated April 3, 1985, and recorded with the Barnstable County Registry of Deeds (hereinafter referred to as "Registry of Deeds") in Book 4499, Page 47, which Organization of Unit Owners is the organization of unit owners of the Homeport Offices Condominium, a condominium established by Master Deed

dated April 3, 1985, and recorded with the Registry of Deeds in Book 4499, Page 1 (hereinafter referred to as the “Condominium”). The Condominium is located in Falmouth, Barnstable County, Massachusetts. The Plaintiffs bring this action pursuant to their powers in the said Declaration of Trust of the Condominium and/or in M.G.L. c. 183A, s. 10(b)(4). Additionally, they bring this action on behalf of all other parties in interest pursuant to M.G.L. c. 254, s. 5.

3. The Defendant, Tiago Rassilan (hereinafter referred to as the “Defendant”) is the record owner of Unit 314-1 at the Condominium (hereinafter referred to as the “Unit”), with a street address of 314 Gifford Street, Falmouth, MA 02540 pursuant to a Unit Deed dated September 11, 2019, and recorded with the Registry of Deeds in Book 32306, Page 284. The Defendant maintains an address of 72 Pond Circle, Mashpee, MA 02649.

4. The Defendant/Party-In-Interest, Commonwealth of Massachusetts, has a place of business at c/o Department of Revenue, 100 Cambridge Street, Boston, MA 02114, and is the holder of two Massachusetts Tax Liens of record upon the Unit recorded with the Registry of Deeds in Book 34196, Page 240 and Book 35620 Page 336.

5. The Defendant/Party-In-Interest, United States of America, has a place of business at c/o Advisory Group Manager, 380 Westminster Street, 4<sup>th</sup> Floor, Providence, RI 02903 and is the holder of two (2) Federal Tax Liens of record dated January 5, 2018 and August 7, 2019 and recorded with the Registry of Deeds in Book 31026, Page 248 and Book 32233, Page 36, respectively.

#### FACTS

6. Pursuant to M.G.L. c. 183A, s. 6, and the applicable provisions of the Condominium’s documents, there is a lien against the Unit in the amount of \$5,818.43 (hereinafter “common expenses”).

7. Pursuant to M.G.L. c. 183A, s. 6(a) the lien includes attorney’s fees and costs incurred by the Plaintiff in pursuing this matter in accordance with said provisions.

8. Pursuant to M.G.L. c. 183A, s. 6(c), the Plaintiffs did give the Defendant notice by certified and first class mail.

CAUSES OF ACTION

COUNT I - AGAINST THE UNIT

9. Pursuant to the provisions of M.G.L. c. 183A, ss. 6(a) and 6(c), the amount due as aforesaid, and as such attorney's fees and costs may additionally accrue hereafter, constitute a lien upon the Unit.

COUNT II - ESTABLISHING THE PRIORITY OF THE LIEN

10. Pursuant to the provisions of M.G.L. c. 183A, s. 6(c), the lien on the Unit has priority over all other liens and encumbrances except (a) liens and encumbrances recorded prior to the recording of the aforesaid Master Deed, (b) liens for real estate taxes and other municipal assessments or charges, and (c) any first mortgage of record; provided, however, that as to the first mortgage of record the Plaintiffs' lien is prior thereto to the extent of monthly common expense assessments which became due during the six months prior to the institution of this action plus all attorneys' fees and collection costs incurred by the Plaintiffs in the enforcement thereof.

PRAYER

WHEREFORE the Plaintiffs pray that this Honorable Court:

1. Declare that there is a lien upon the Unit in the amount as may be found.
2. Declare that the lien is entitled to the priority as provided for by law.
3. Order the sale of the Unit to satisfy, in whole or in part, the declared lien.
4. Grant possession of the Unit as a part of said sale.
5. Grant such other relief as may be just and proper.

Respectfully submitted,

TRUSTEES OF THE HOMEPORT UNIT  
OWNERS TRUST,

By their attorneys,

MARCUS, ERRICO, EMMER  
& BROOKS, P.C.

A handwritten signature in black ink, appearing to read 'William F. Thompson', with a large, stylized loop at the end.

William F. Thompson, Esq.  
BBO #664790  
45 Braintree Hill Office Park, Suite 107  
Braintree, MA 02184  
(781) 843-5000  
[wthompson@meeb.com](mailto:wthompson@meeb.com)

DATED: June 27, 2023

**NOTICE**

***The law firm of Marcus, Errico, Emmer & Brooks, P.C. is a debt collector. We are attempting to collect a debt. Any information obtained will be used for that purpose.***

SUPERIOR COURT  
BARNSTABLE, SS

AUG 14 2023

FILED

DEPARTMENT of Superior Court, Clerk

## COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 23CV247

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 TRUSTEES OF THE HOMEPORT UNIT  
 OWNERS TRUST,  
                     Plaintiffs

vs.

 TIAGO RASSILAN,  
                     Defendant

and

 COMMONWEALTH OF MASSACHUSETTS  
 and UNITED STATES OF AMERICA,  
                     Defendants/Parties-In-Interest
 

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**REQUEST FOR DEFAULT**  
**(PURSUANT TO MASS.R.CIV.P. 55(a))**

TO THE CLERK OF THE ABOVE-NAMED COURT:

I, William F. Thompson, Attorney for the above-named Plaintiffs, Trustees of the Homeport Unit Owners Trust, state that the Complaint in which a judgment for affirmative relief is sought against the Defendant, Tiago Rassilan, and Defendants/Parties-In-Interest, Commonwealth of Massachusetts and United States of America, was filed on or about June 27, 2023, and a Summons and a copy of the Complaint have been served on the Defendant, Tiago Rassilan, on July 7, 2023, as appears from the Barnstable County Sheriff's Return of Service (previously returned); a Summons and a copy of the Complaint have been served on the Defendant/Party-In-Interest, Commonwealth of Massachusetts, on July 12, 2023, as appears from the Suffolk County Sheriff's Return of Service; and a Summons and a Copy of the Complaint have been served on the Defendant/party-in-Interest, United States of America, on July 17, 2023, as appears from the Affidavit of William F. Thompson; and that the time within which all Defendants shall serve a responsive pleading or otherwise defend pursuant to Mass.R.Civ.P. 12(a) has expired, and the Defendants herein have failed to serve or file an answer or otherwise defend as to the Complaint.



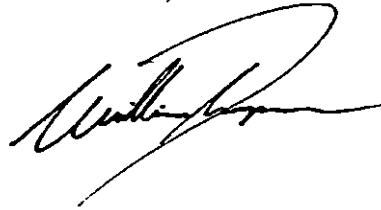
WHEREFORE, the Plaintiffs, Trustees of the Homeport Unit Owners Trust, make application that the Defendant, Tiago Rassilan and Defendants/Parties-in-Interest, Commonwealth of Massachusetts and United States of America, be defaulted.

Dated at Braintree, Massachusetts, this 9th day of August, 2023. Signed under the pains and penalties of perjury.



TRUSTEES OF THE HOMEPORT UNIT  
OWNERS TRUST,

By their attorneys,

MARCUS, ERRICO, EMMER  
& BROOKS, P.C.

A handwritten signature in black ink, appearing to read 'William F. Thompson', written over a horizontal line.

William F. Thompson, Esquire  
wthompson@meeb.com  
BBO #664790  
45 Braintree Hill Office Park, Suite 107  
Braintree, Massachusetts 02184  
(781) 843-5000

<b>DEFAULT ORDER</b> <b>(Mass. R. Civ. P. 55(a))</b>	DOCKET NUMBER <b>2372CV00247</b>	<b>Trial Court of Massachusetts</b> <b>The Superior Court</b> 	
CASE NAME <b>Trustees of the Homeport Unit Owners Trust vs. Tiago Rassilan et al</b>		<b>Scott W. Nickerson, Clerk of Court</b> <b>Barnstable County</b>	
		COURT NAME & ADDRESS <b>Barnstable County Superior Court</b> <b>3195 Main Street</b> <b>Barnstable, MA 02630</b>	
<p>The party(s), named below, having failed to plead or otherwise defend the case as required by the rules of civil procedure, and plaintiff having shown that fact by affidavit or otherwise, is(are) hereby defaulted pursuant to Mass. R. Civ. P. 55(a).</p> <p><b>Tiago Rassilan</b></p> <p>The plaintiff shall file one of the following, if not already entered:</p> <p>1. in accordance with Mass. R. Civ. P. 55(b)2 and subject to Mass. R. Civ. P. 54(b) and 55(b)4, file a motion for an assessment of damages and default judgment by, 09/16/2023.</p> <p>or</p> <p>2. in accordance with Mass.R.Civ.P. 55(b)(1) (for a sum certain or for a sum which can by computation be made certain) and subject to Mass.R. Civ. P. 54(b) and 55(b)4, file a request for default judgment by, 09/16/2023.</p>			
DATE ISSUED <b>08/17/2023</b>	CLERK OF COURTS <b>Scott W. Nickerson, Clerk of Court</b>	ASSISTANT CLERK 	SESSION PHONE# <b>(508)375-6684</b>

## Summons

CIVIL DOCKET NO.

23CV247

Trial Court of Massachusetts  
The Superior Court

CASE NAME:

TRUSTEES OF THE HOMEPORT UNIT  
OWNERS TRUST,

Plaintiffs

vs.

TIAGO RASSILAN,

Defendant

and

COMMONWEALTH OF MASSACHUSETTS

and UNITED STATES OF AMERICA,

Defendants/Parties-In-Interest

Clerk of Courts

Barnstable County

COURT NAME &amp; ADDRESS:

Barnstable Superior Court

3195 Main Street

Barnstable, MA 02630

SUPERIOR COURT  
BARNSTABLE, SS

JUL 17 2023

FILED  
(Defendant's name)

Scott W. Nickerson, Clerk

THIS SUMMONS IS DIRECTED TO

Tiago Rassilan  
72 Pond Circle  
Mashpee, MA 02649

**You are being sued.** The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Barnstable Superior Court.

**YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.****1. You must respond to this lawsuit in writing within 20 days.**

If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**

**2. How to Respond.**

To respond to this lawsuit, you must file a written to response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:

a) Filing your **signed original** response with the Clerk's Office for Civil Business, Barnstable Superior Court P.O. Box 425 or 3195 Main St., Barnstable, MA 02630 (address), by mail or in person **AND**

b) Delivering or mailing a **copy** of your response to the Plaintiff's Attorney/Plaintiff at the following address:

William F. Thompson at 45 Braintree Hill Office Park, Suite 107, Braintree, MA 02184

**3. What to Include in Your Response.**

An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your court no more than 10 days after sending your Answer.

3 (cont). You can also respond to a Complaint by filing a "**Motion to Dismiss**," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under **Mass. R. Civ. P. 12**. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at:

[www.mass.gov/courts/case-legal-res/rules\\_of\\_court](http://www.mass.gov/courts/case-legal-res/rules_of_court)

#### 4. Legal Assistance.

You may wish to get legal help from a lawyer. If you cannot get legal help, some basic information for people who represent themselves is available at [www.mass.gov/courts/selfhelp](http://www.mass.gov/courts/selfhelp).

#### 5. Required Information on All Filings:

The "civil docket number" appearing at the top of this notice is the case number assigned to this case and must appear on the front of your Answer or Motion to Dismiss. You should refer to yourself as the "Defendant."

Witness Hon. Heidi E. Brieger, Chief Justice on July 5, 2023 (Seal)

Clerk-Magistrate Scott W. Nickerson

*Scott W. Nickerson*

**Note:** The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

### PROOF OF SERVICE OF PROCESS

I hereby certify that on \_\_\_\_\_, I served a copy of this summons, together with a copy of the complaint in this action, on the defendant named in this summons, in the following manner (See Mass. R. Civ. P. 4(d)(1-5)):



Barnstable County Sheriff's Office  
Barnstable, SS

3261 Main Street, Barnstable MA 02630 Telephone (508) 362-9578

July 10, 2023

I hereby certify and return that on 7/7/2023 at 11:29 AM I served a true and attested copy of the Summons, Complaint and Civil Action Cover Sheet with Uniform Counsel Certification in this action in the following manner: To wit, by leaving at the last and usual place of abode of Tiago Rassilan, 72 Pond Circle, Mashpee, MA 02649 and by mailing 1<sup>st</sup> class to the above address on 7/7/2023. Attest(2) (\$10.00) Basic Service (\$20.00) Conveyance (\$3.00) Postage & Handling (\$2.00) Travel (\$7.50) Total: \$42.50

*Marybeth Robichaud*

Deputy Sheriff Marybeth Robichaud

Deputy Sheriff

CIVIL DOCKET NO.

## Summons

23CV247

SUPERIOR COURT  
Trial Court of Massachusetts  
BARNSTABLE, SS  
The Superior Court

CASE NAME:

AUG 14 2023

Clerk of Courts

TRUSTEES OF THE HOMEPORT UNIT  
OWNERS TRUST,

Plaintiffs

vs.

TIAGO RASSILAN,

Defendant

and

COMMONWEALTH OF MASSACHUSETTS  
and UNITED STATES OF AMERICA,

Defendants/Parties-In-Interest

Barnstable  
County  
COURT NAME & ADDRESS  
William F. Thompson, Clerk

Barnstable Superior Court

3195 Main Street

Barnstable, MA 02630

THIS SUMMONS IS DIRECTED TO Commonwealth of Massachusetts  
c/o Department of Revenue (Defendant's name)  
100 Cambridge Street  
Boston, MA 02114

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**3. What to Include in Your Response.**

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2.3009142

3 (cont). You can also respond to a Complaint by filing a "**Motion to Dismiss**," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under **Mass. R. Civ. P. 12**. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at:

[www.mass.gov/courts/case-legal-res/rules\\_of\\_court](http://www.mass.gov/courts/case-legal-res/rules_of_court)

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Witness Hon. Heidi E. Brieger, Chief Justice on July 5, 20 23 (Seal)

Clerk-Magistrate Scott W. Nickerson

*Scott W. Nickerson*

Note: The number assigned to the Complaint by the Clerk-Magistrate at the beginning of the lawsuit should be indicated on the summons before it is served on the Defendant.

#### PROOF OF SERVICE OF PROCESS



Suffolk County Sheriff's Department • 132 Portland Street, Boston, MA 02114 • (617) 704-6999

Suffolk, ss.

July 12, 2023

I hereby certify and return that on 7/12/2023 at 11:15 AM I served a true and attested copy of the Summons, Complaint and Cover Sheet in this action in the following manner: To wit, by delivering in hand to Tim Leblanc, agent and person in charge at the time of service for Commonwealth of Massachusetts, at 100 Cambridge Street C/o Department of Revenue Boston, MA 02114 . Attest/Copies (\$5.00) Basic Service Fee (IH) (\$30.00) Conveyance (\$0.60) Postage and Handling (\$1.00) Travel (\$23.90) Total: \$60.50

Deputy Sheriff Joseph Casey

*Joseph P. Casey*

Deputy Sheriff

Date: